

REMARKS

This Amendment is responsive to the Office Action dated February 12, 2004. Claims 1-11 were pending in the application. In the Office Action, claims 1-11 were rejected. In this Amendment, claims 1, 6, 8 and 10 have been amended, and claims 3, 9 and 11 have been canceled. Claims 1, 2, 4-8 and 10 thus remain for consideration.

Applicant submits that claims 1, 2, 4-8 and 10 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-4 and 6-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smolen (USPN 5,915,243) in view of Von Kohorn (USPN 5,227,874) and Crevelt et al. (USPN 5,902,983).

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Smolen in view of Von Kohorn and Crevelt in further view of Goldhaber et al. (USPN 5,855,008) and Gammie et al. (USPN 5,270,809).

Claims 3, 9 and 11 have been canceled, thereby rendering their rejections moot.

Applicant submits that the independent claims (claims 1, 6, 8 and 10) are patentable over Smolen, Von Kohorn, Crevelt, Goldhaber and Gammie.

The present invention is directed towards an information receiving device, a method for receiving information, an information transmission device and a method for transmitting information. The claims specify that points are awarded to a viewer when the viewer views a response program in its entirety, the points

entitling the viewer to points-based rewards. The claims further specify that “when said viewer responds to said response program, a signal indicative of said viewer’s response and a corresponding response program ID is generated.”

Supporting disclosure for Applicant’s scheme of tracking user responses can be found in the specification at, for example, page 7, line 20 – page 8, line 24.

Neither Smolen, Von Kohorn, Crevelt, Goldhaber nor Gammie discloses a system for allocating award points when a response program is viewed in its entirety by a viewer wherein when the viewer responds to the response program a signal indicative of the viewer’s response and a corresponding response program ID is generated. In particular, Applicant notes that Smolen discloses the transmission of “answers” and “selections,” “selections” referring to promotions that have been selected by a consumer (see Smolen col. 6, line 19 – col. 7, line 37). Thus, Smolen can not be analogized to Applicant’s invention which does not generate a signal indicative of an “answer” and a “selection,” but rather, generates a signal indicative of an “answer” and a “corresponding program ID.”

Since neither Smolen, Von Kohorn, Crevelt, Goldhaber nor Gammie discloses a system for allocating award points when a response program is viewed in its entirety by a viewer wherein when the viewer responds to the response program a signal indicative of the viewer’s response and a corresponding response program ID is generated, Applicant believes that the independent claims (claims 1, 6, 8 and 10) are patentable over Smolen, Von Kohorn, Crevelt, Goldhaber and Gammie – taken either alone or in combination – on at least this basis.

Claims 2, 4 and 5 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2, 4 and 5 are believed to be patentable over the cited references based at least on their dependency on claim 1.

Claim 7 depends on claim 6. Since claim 6 is believed to be patentable over the cited references, claim 7 is believed to be patentable over the cited references based at least on its dependency on claim 6.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney, and, in the event that the Examiner disagrees with any such opinion, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

The Examiner has made of record, but not applied, several U.S. Patents. The Applicant appreciates the Examiner's implicit finding that these references, whether

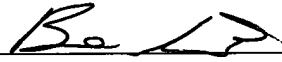
considered alone or in combination with others, do not render the claims of the present application unpatentable.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No.50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
Bruno Polito
Reg. No. 38,580
(212) 588-0800